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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,222	11/28/2001	Mark R. Thompson	019396-001700US	4107
20350	7590	08/26/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			COULTER, KENNETH R	
		ART UNIT	PAPER NUMBER	
		2141		

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/002,222	THOMPSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kenneth R. Coulter	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 May 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3,5-9,11,12,14,16 and 18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3,5-9,11,12,14,16 and 18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 18 August 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 5 – 9, 11, 12, 14, 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Heddaya et al. (U.S. Pat. No. 6,622,157) (Extending Network Services Using Mobile Agents).

- 2.1 Regarding claim 1, Heddaya discloses a method of caching data video files comprising:

providing a first computer (Abstract; Fig. 1; col. 3, lines 50 - 64);

providing a second computer (Abstract; Fig. 1; col. 3, lines 50 - 64);

establishing a peer to peer network relationship between said first computer (STB) and said second computer (STB) (Abstract; Fig. 1; col. 6, lines 53 – 57 “the principals of the invention are equally applicable to **peer-to-peer** networks.”);

utilizing a global communication network (the Internet) to establish said peer to peer relationship (Fig. 1; col. 6, lines 44 – 49 “network 10 is the Internet”); conveying a video file from said first computer to said second computer (col. 6, lines 30 - 35); and caching said video file at a caching computer (Figs. 1, 4; col. 3, lines 52 – 64; col. 6, lines 9 – 20 “cache servers”); transmitting a request sent from a third computer to said first computer for said video file (Abstract fulfills service requests”; Figs. 1, 4); intercepting a request for said video file sent by a third computer to said first computer (Abstract “intercepting, at the intermediate node”; Figs. 1, 4; col. 3, lines 45 - 64); transmitting said video file from said caching computer to said third computer in response to said intercepted request (Abstract; Figs. 1, 4; col. 3, lines 45 - 64).

2.2 Per claim 3, Heddaya teaches the method as described in claim 1 wherein said caching said video file comprises: caching said video file at a location where said second computer is located (Abstract; Figs. 1, 4).

2.3 Regarding claim 5, Heddaya discloses the method as described in claim 4 and further comprising: directing said third computer to obtain said video file from said caching computer (Abstract; Figs. 1, 4).

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2.4 As per claim 6, Heddaya teaches the method as described in claim 5 and further comprising: establishing communications between said third computer and said caching computer; and conveying said video file to said third computer (Abstract; Figs. 1, 4).

2.5 Regarding claim 7, Heddaya discloses the method as described in claim 1 and further comprising:

providing an intermediate computer to facilitate communications between said first computer and said third computer (Abstract; Figs. 1, 4; col. 3, lines 45 – 64 “dedicated intermediate nodes within the network”);

intercepting a request of said third computer for said video file (Abstract; Figs. 1, 4).

2.6 As per claim 8, Heddaya teaches the method as described in claim 7 and further comprising: directing said third computer to said caching computer so as to obtain said video file (Abstract; Figs. 1, 4).

2.7 Regarding claim 9, Heddaya discloses the method as described in claim 7 and further comprising: utilizing said intermediate computer as said caching computer (Abstract; Figs. 1, 4).

2.8 Regarding claims 11, 12, 14, 16, and 18, the rejection of claims 1, 3, and 5 – 9 under 35 USC 102(e) (paragraphs 2.1 – 2.7 above) applies fully.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 3, 5 – 9, 11, 12, 14, 16, and 18 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 549.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER  
PRIMARY EXAMINER  


krc